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Attorneys for Defendant NuView Systems, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

LAURA DE BLOCK,

6:12-CV-1008-AA

Plaintiff,

v.

**DEFENDANT'S MEMORANDUM
IN SUPPORT OF MOTION TO
COMPEL**

NUVIEW SYSTEMS, INC.,

Defendant.

The following is Defendant's Memorandum in Support of Motion to Compel production of certain documents in the above-referenced action.

INTRODUCTION

Plaintiff has filed the above-referenced action raising the following claims: (1) Disability discrimination pursuant to Title I of the Americans Disabilities Act ("ADA"), 42 U.S.C. §12101

et seq.; (2) Failure to accommodate pursuant to Title V of the ADA; and (3) Retaliation for complaining about Defendant's alleged failure to accommodate.

Defendant served its First Request for Production of Documents and its First Set of Interrogatories on Plaintiff via email and regular mail on November 8, 2012. (Schpak Decl., Exs A, B). Defendant requested documents that are relevant to this action and are reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's response was due on December 11, 2012.

On January 2, 2013, counsel for Defendant contacted Plaintiff via email regarding her failure to respond to the discovery request. (Schpak Decl., Ex C). On January 5, 2013, Plaintiff replied and stated she was "planning on responding to [Defendant's] request as soon as possible" and that she was "waiting for a response from a lawyer in order to respond properly." (*Id.*). On January 11, 2013, counsel for Defendant again contacted Plaintiff via email to ascertain the status of her response to Defendant's discovery request. (*Id.*). On January 13, 2013, over a month after the original deadline to respond, Plaintiff asked for a 30-day extension on her response to Defendant's discovery request. (*Id.*). Defendant agreed to extend the deadline by two weeks, until January 30, 2013. (*Id.*). Counsel for Defendant explained any longer delay would be too close to the discovery cutoff date, which is February 28, 2013. As of February 4, 2013, Plaintiff has failed to object or otherwise respond to Defendant's discovery requests. (Schpak Decl., ¶5).

DISCUSSION

Pursuant to Federal Rule of Civil Procedure 26(b)(1), parties may discover any relevant, unprivileged information that is admissible at trial or is reasonably calculated to lead to admissible evidence. *Tran v. Tyco Electronics, Corp.*, 06-CV-1810-BR, 2008 WL 2037279 (D.

Or. May 7, 2008). In this case, Plaintiff's complaint alleges Defendant's actions were discriminatory in violation of the ADA. Based on these allegations, Defendant requested information from Plaintiff that supports her claims. Defendant did not submit a "boilerplate" request for production; rather, Defendant's request identified specific documents. Likewise, Defendant's interrogatories were tailored to address specific facts alleged by Plaintiff in her complaint. Defendant requested information relevant to this action and reasonably calculated to lead to the discovery of admissible evidence.

In spite of Defendant's good faith efforts to obtain the information identified above, Plaintiff has failed to respond to the requests for production or the interrogatories. Ultimately, Plaintiff refused to produce any documents responsive to these requests for production.

CONCLUSION

For the reasons set forth above, the medical and mental health documents requested by Defendants are reasonably calculated to lead to the discovery of admissible evidence and Plaintiff should be ordered to produce the requested documents.

DATED this 6th day of February, 2013.

BARRAN LIEBMAN LLP

s/Andrew M. Schpak

By _____

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2013, I served the foregoing **DEFENDANT'S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL** on the following parties at the following addresses:

Laura De Block
19624 Apache Rd.
Bend, Oregon 97702
ldeblock306@gmail.com

Plaintiff *Pro Se*

by the following indicated method or methods on the date set forth above:

- ☒ **Electronic Filing**
- ☐ **Facsimile**
- ☒ **First-class mail, postage prepaid**
- ☐ **Hand-delivery**
- ☐ **Email**

s/Andrew M. Schpak

Andrew M. Schpak

CERTIFICATE OF SERVICE